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(AS AMENDED BY THE SELECT COMMITTEE)

TO

Explain and amend the Erne Lough and River Acts, 1876 A.D. 1881.
and 1879.

WHEREAS doubts have arisen concerning the powers of the Drainage Board for the Lough and River Erne Drainage and Navigation District, acting in execution of the Erne Lough and River Acts, 1876 and 1879 :

5 And it is expedient to explain and amend the said Acts :

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

- 10 1. From and after the passing of this Act, the drainage board for the Lough and River Erne Drainage and Navigation District, hereinafter called "the board," shall for the purpose of carrying into effect the powers vested in them by the Erne Lough and River Acts, 1876 and 1879, be in the same position, subject to the provisions of
15 this Act, as if all the measures and proceedings preliminary to the giving of the final notice mentioned in the fortieth section of the Act of the session of Parliament of the fifth and sixth years of the reign of Her present Majesty, chapter eighty-nine, intituled "An
20 " Act to promote the Drainage of Lands and Improvement of " Navigation and Water Power in connexion with such Drainage " in Ireland," had been taken and observed, and such final notice had been duly given, with reference to the works to be executed under the said Erne Lough and River Act, 1876.

Preliminary proceedings shall be waived.

- The works which may be executed and the lands which may be
25 purchased by the board under the said Acts are the works and lands shown in the plans, maps, drawings, and sections, and in the schedules thereto, deposited on the twentieth day of October one thousand eight hundred and seventy-nine, in the office of the Commissioners of Public Works in Ireland, and sealed with the seal of

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the said Commissioners: Provided that the board shall not acquire any lands otherwise than by agreement unless authorised by a Provisional Order made by the Commissioners of Public Works in Ireland, and confirmed by Parliament; and the said Commissioners may make such order in the like manner, and shall have for the purpose the like powers, as in the case of Provisional Orders under the Drainage and Improvement of Lands (Ireland) Act, 1863, and the provisions of that Act with respect to Provisional Orders and the purchase of lands shall, so far as is consistent with the tenour thereof, apply for the purpose of Provisional Orders and the purchase of lands under this Act.

Conditions
to be com-
plied with to
indicate
assent of
ratepayers.

2. Before the board proceed to execute the said works, or to purchase any of the said lands, they shall satisfy the Commissioners of Public Works in Ireland that the following conditions have been complied with :

- (1.) The board shall deposit copies of the said plans, maps, drawings, and sections, and of the schedules thereto, in the office of the clerk of the peace for the county of Fermanagh, in the town of Enniskillen, and shall give public notice that such deposit has been made by such advertisements, in such newspapers circulating in the counties of Fermanagh, Cavan, Monaghan, and Donegal, as the Commissioners of Public Works may direct. Such plans, maps, drawings, sections, and schedules, shall remain open to public inspection at all reasonable hours for the space of the two weeks next after the publication of the last of such advertisements: And the clerk of the peace shall permit copies thereof or extracts therefrom to be made by any person who desires to make the same.
- (2.) The lord Lieutenant may, if he thinks fit, convene special presentment sessions, giving such notice as he thinks fit, to be held in each of the baronies referred to in the schedule hereto of the justices and associated cesspayers then entitled to hold presentment sessions in and for said baronies respectively, and may issue instructions to the justices and associated cesspayers as to the matters which shall come before them under this Act, and require them to declare the opinion of the said justices and associated cesspayers assembled at each of the said sessions as to the expediency of undertaking the said works. Such sessions shall be held in the places fixed for holding presentment sessions.
- (3.) The chairman presiding at each of said special sessions shall, by taking a vote in such manner as he thinks fit, ascertain and

report to the Commissioners whether the majority of the justices and associated cesspayers approves of and assents to the proposed works, or otherwise. If, at the majority of the special sessions so to be convened and which shall be held, the proposed works shall be approved of and assented to in manner aforesaid, the board may proceed to execute the said works.

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If the Commissioners of Public Works are satisfied that the above-mentioned conditions have been complied with they shall so declare by order under their seal, and such order shall be conclusive evidence of the facts stated therein relative to such conditions.

3. It shall not be necessary for the Commissioners of Public Works to make any draft or final award with respect to the said navigation.

No vote or vote charge to counties need be made.

4. All the enactments contained in the said Act of the session of the fifth, and sixth years of the reign of Her present Majesty, chapter eighty-nine, as amended by any other Act, relative to tolls, and to the powers of the Commissioners of Public Works in respect thereof, shall apply to the said navigation and to the drainage board for the Lough and River Erne Drainage and Navigation District.

Tolls, and expenses of maintenance.

All expenses which the Commissioners of Public Works may from time to time certify to have been properly and necessarily incurred by the board in and incident to the maintenance and conservancy of the said navigation works shall, so far as the income of the navigation works shall be insufficient to defray such expenses, be presented for, without previous application to presentment sessions, by the grand juries of the counties of Fermanagh, Cavan, Monaghan, and Donegal, in such proportions, and to be levied off such baronies or parts of baronies (being baronies or parts of baronies liable, under the Erne Lough and River Act, 1876, as amended by this Act, to be charged with the repayment of part of the cost of the construction of the works), as the Commissioners of Public Works shall from time to time direct.

5. This Act may be cited as the Erne Lough and River Act, 1881.

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SCHEDULE referred to.

Name of Barony.	Name of County.	
Clanawley - - - - -	Fermanagh.	
Clonkelly - - - - -	"	
Coale - - - - -	"	5
Knockminney - - - - -	"	
Lurg - - - - -	"	
Mahersay - - - - -	"	
Magherastephana - - - - -	"	
Tirkennedy - - - - -	"	10
Lower Loughree - - - - -	Cavan.	
Tirbhagh - - - - -	Donegal.	
Dartree - - - - -	Monaghan.	

Erne Lough and River.

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To explain and amend the Erne Lough
and River Acts, 1876 and 1879.

*(Prepared and brought in by
Mr. John Holmes and Lord Frederick Cavendish.)*

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Under 1 oz.